

**To: Members of the U. S. Senate Committee on Commerce,
Science, and Transportation; Members of the U. S. House
Committee on Energy and Commerce**

Re: FCC Proposed Plan to Weaken TV Indecency Enforcement

We are writing with great concern to request that you use your position and influence in an effort to get the Federal Communications Commission to take seriously its duty to enforce federal law, 18 U. S. C. 1464, limiting indecency and profanity on the publicly owned airwaves to times of day when children are much less likely to be in the audience. The FCC has been derelict in this regard under the leadership of its outgoing Chairman Julius Genachowski, having executed no enforcement actions during his tenure.

We strongly urge you to oppose the FCC proposed changes, outlined in a Public Notice of April 1, 2013, GN Docket No. 13-86, to its established indecency enforcement standard. This proposal would only prohibit “deliberate and repetitive” expletives, rather than all incidences, as the current FCC standard does. Further, the FCC seeks guidance on whether it should weaken its enforcement standard to allow for incidences of isolated, non-sexual nudity or continue to curb all such incidences from airing before 10:00 p.m. The Public Notice indicates that the FCC is already using this proposed new standard, and began to do so before opening this public comment period. Yet Congress has not provided any guidance on the suggested change.

Since 18 U. S. C. 1464 on its face prohibits all acts of indecency and profanity, the changes suggested by the FCC in GN Docket No. 13-86 would completely undermine federal law.

We wish to further express our concern, and indeed our outrage, that the FCC, as mentioned in the same Public Notice, has discarded *more than one million citizen complaints* regarding broadcast indecency, in part due to the Commission’s own deleterious behavior regarding the complaint process.

The FCC’s current enforcement standard has been scrutinized for several years by the courts, including by the United States Supreme

Court in *FCC v. Fox Television Stations, Inc.*, 132 S. Ct. 2307 (2012) and the broadcast networks are on notice of this standard. It makes no sense to now establish a new standard and possibly tie up that standard in court litigation again.

We urgently request that you do all you can to stop the proposed enforcement standard, including opposing any nominee to the Federal Communications Commission who supports changing the current standard.

This letter is copied to all Commissioners of the FCC.

Sincerely,

Tim Winter, President
Parents Television Council

Patrick A. Trueman, President
Morality in Media

L. Brent Bozell III, President
Media Research Center

Tony Perkins, President
Family Research Council

Phyllis Schlafly, President
Eagle Forum

Morton Blackwell, Chairman
The Weyrich Lunch

Colin A Hanna, President
Let Freedom Ring

Dr. Ted Baehr, Chairman
Christian Film & Television
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Phil Burress, President
Citizens for Community Values

Alan Sears, President
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Frank Cannon, President
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One in Four

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Tiffany Leeper, President, Girls
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Maurine Proctor, President
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Sharon Slater, President
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Jack Hughes, Vice President
Enough Is Enough

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Minnesota Family Council

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Help Rescue Our Children

Daniel Weiss, President
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